

5:21-CV-00381-OLG

EXHIBIT B

PLAINTIFF'S ANSWERS TO INTERROGATORIES

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

VITRA DENISE FREDERICK

Plaintiff,

v.

CITY OF LEON VALLEY, TEXAS

Defendant.

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CIVIL ACTION NO. 5:21-cv-00381-olg

PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES

To: The City of Leon Valley, Texas, by and through its attorney of record, Charles S. Frigerio, of The Law Offices of Charles S. Frigerio, P.C., Riverview Towers, 111 Soledad, Suite 465, San Antonio, Texas 78205

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff, Vitra Denise Frederick (Plaintiff), serves her Responses to Defendant, City of Leon Valley, Texas, First Set of Interrogatories, as follows:

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Plaintiff objects to the instructions and definitions to the extent they impose limitations or requirements beyond what is required by the Federal Rules of Civil Procedure.

OBJECTIONS AND RESPONSES TO FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Please give the following personal data on yourself, including your name, address, date of birth, driver's license number and social security number.

ANSWER: Vitra Denise Frederick, 608 Mulberry Lane, DeSoto, TX 75115. DOB 12-20-1960. Texas Driver's License No. 06349386, SS# 459-33-1731.

INTERROGATORY NO. 2:

Please state the extent of your formal education, including institutions, name and addresses, from which you graduated, dates of said graduation, all degrees obtained, the year obtained and the name of the universities where the degree(s) were obtained.

ANSWER: University of the Incarnate Word, B.A. – 1983
Thurgood Marshall School of Law, J.D. – 1991

INTERROGATORY NO. 3:

Please give information regarding your current employer including your employer's name, address, position, salary and length of tenure, concerning your occupation, and length of tenure. If less than ten years at present employment, please indicate the same information for previous employers.

ANSWER: Current employer: Brown & Hofmeister, LLP, 740 E. Campbell Road, Suite 800, Richardson, TX 75081. Position: Associate Attorney, \$115,000.00 annually. Starting date September 1, 2022. Previous employer was the City of Leon Valley, Texas. Defendants have equal, if not greater, access to the information requested regarding Plaintiff's tenure with the City of Leon Valley, Texas.

INTERROGATORY NO. 4:

With regard to your tenure at the City of Leon Valley, please indicate the following:

- (a) Each position you held with the City of Leon Valley;
- (b) Gross Salary received for each year at the City of Leon Valley;
- (c) Describe your job duties and responsibilities for each position held;
- (d) Any and all licenses you obtained.

ANSWER: Plaintiff objects to this Interrogatory as harassing and unduly burdensome to the extent Defendant has equal, if not greater, access to the information requested in this Interrogatory. Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

- (a) City Attorney
- (b) \$67,000.00, \$78,000.00 and \$89,000.00
- (c) Representing the City of Leon Valley, Texas on all legal matters
- (d) State Bar of Texas, United States District Court and Bankruptcy Court for the Western District of Texas

INTERROGATORY NO. 5:

Please state the name, address and telephone number of all persons who have knowledge of any relevant facts and describe the issues upon which you believe they have knowledge.

ANSWER:

(i). Vitra Denise Frederick, Plaintiff

Plaintiff Vitra Denise Frederick has knowledge concerning her claims against Defendant, City of Leon Valley, Texas. The address and telephone number of Mrs. Frederick shall be made in care of: The Wiley Law Group, PLLC, 325 N. St. Paul Street, Suite 4400, Dallas, Texas 75201; Tel. 469-619-5721, Fax 469-619-5725.

(ii). Kelly Kuentler – Former City Manager of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Ms. Kuentler will have knowledge concerning the alleged reasons for terminating Plaintiff's position with Defendant.

(iii). Gilbert Perales – Former City Manager of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Mr. Pareles will have knowledge concerning the alleged reasons for terminating Plaintiff's position with Defendant.

(iv). Benny Martinez – Former Council Member of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Mr. Martinez will have knowledge concerning the alleged reasons for terminating Plaintiff's position with Defendant.

(v). Larry Proffitt – Former or acting Zoning Commissioner of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Mr. Proffitt will have knowledge concerning the alleged reasons for terminating Plaintiff's position with Defendant.

(vi). Joseph Salvaggio – Former Police Chief of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Mr. Salvaggio will have knowledge concerning the alleged reasons for terminating Plaintiff's position with Defendant.

(vii). Brandon Melland – Former or present employee of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Mr. Melland will have knowledge concerning complaints of harassment against Benny Rodriguez.

(viii) Yvonne Acuna – Former or present employee of Defendant

Current address and telephone are unknown and will be supplemented upon procurement of same. Ms. Acuna will have knowledge concerning complaints of harassment against Benny Rodriguez.

(ix). Joann Azar – Former or present employee of Defendant
Current address and telephone are unknown and will be supplemented upon procurement of same.
Ms. Aazar will have knowledge concerning complaints of harassment against Benny Rodriguez.

(x). Jorge Breton – Former or present employee of Defendant
Current address and telephone are unknown and will be supplemented upon procurement of same.
Mr. Breton will have knowledge concerning complaints of harassment against Benny Rodriguez.

(xi). Any individual listed in Defendant's Initial Disclosures or supplements thereto.

INTERROGATORY NO. 6:

Please identify each person to whom you expect to call as an expert witness at the trial of this cause and as to each expert so identified, state the subject matter on which he or she is expected to testify, the substance of the facts and opinion to which he is expected to testify and a summary of the grounds of each opinion.

ANSWER: Plaintiff is expected to call Kevin S. Wiley, Jr. as an expert witness. Mr. Wiley will testify regarding the attorney's fees incurred in this matter on behalf of Plaintiff and whether the attorney's fees and costs incurred in litigating this matter were reasonable and necessary.

INTERROGATORY NO. 7:

Please state all legal positions you have held since graduating law school. Please include yearly income from each position.

ANSWER: In addition to the positions referenced in the answer to Interrogatory No. 3, Plaintiff was employed as an Assistant City Attorney for the City of San Antonio, Texas for 20 years earning approximately \$79,000.00 per year.

INTERROGATORY NO. 8:

If you are seeking an award of any sum of money, whether by damages or otherwise, state the full amount of money you seek and describe the manner in which the amount was calculated. Your description should include each element of damage or component of recovery that you seek, the amount sought for each element or component, the manner in which each element or component of the calculation was determined, and should identify the source of each number used in the calculation.

ANSWER: Mrs. Frederick's salary was \$87,963.00 per year which includes benefits plus an annual 2% merit/COLA increase from the year of separation on November 30, 2019 until retirement in 2026 for a total of \$101,042.00 in salary, benefits and merit/COLA increases. Prior to obtaining employment with Brown & Hofmeister, Plaintiff provided in its Initial Disclosures

that it would be reasonable for a jury to award Mrs. Frederick front and back pay in the amount of \$667,021.00. With Plaintiff's present employment, those damages have been mitigated to three years of front pay totaling \$303,126.00 and attorneys' fees and costs currently estimated at \$10,000.00. Plaintiff reserves the right to seek exemplary damages upon further discovery in these matters.

INTERROGATORY NO. 9:

Please state your marital history, including the name or names and addresses of all individuals to whom you have ever been married, either formally or through common law, and state the name and ages of all offspring.

ANSWER:

- (i) Larry Fegget, address is unknown (no offspring)
- (ii) Owen Monday, address is unknown (no offspring)
- (iii) Current Spouse – Warren Frederick, resides with Plaintiff (no offspring)

INTERROGATORY NO. 10:

During your tenure with the City of Leon Valley, please describe your relationships with the following members:

- (a) Former City Manager Kelly Kuensler;
- (b) Current City Manager and former City Secretary Crystal Caldera;
- (c) Mayor Donna Charles;
- (c) Former City Councilman Benny Martinez.

ANSWER: Plaintiff objects to this Interrogatory as unduly burdensome and harassing. The term "relationships" is not defined and it is unclear what Defendant means by "relationship." Subject to and without waiving the foregoing objection, Plaintiff responds as follows:

- (a) During Plaintiff's time of employment with Defendant, Ms. Kuensler was Plaintiff's Immediate supervisor.
- (b) During Plaintiff's time of employment with Defendant, Ms. Caldera was the Assistant City Manager and Human Resources Director
- (c) During Plaintiff's time of employment with Defendant, Ms. Charles was a City Council member.
- (d) During Plaintiff's time of employment with Defendant, Mr. Martinez was a City Council member.

INTERROGATORY NO. 11:

During your tenure with the City of Leon Valley as City Attorney, please state the number of staff you had while working for the City of Leon Valley. Please identify the number of attorney's paralegals, secretaries and other clerical help that were a part of the City Attorney's office while you were employed with the City of Leon Valley.

ANSWER: None

INTERROGATORY NO. 12:

Please state the name of each and every individual the City of Leon Valley, either as an employee or official who you claim discriminated against you. Please include in your answer the following:

The nature of the discrimination;

The date of discrimination;

Whether or not you complained of said discrimination to anyone at the City of Leon Valley.

ANSWER: Prior to Plaintiff's separation from Defendant, Plaintiff was subject to several instances of discrimination and harassment by City Council Member Benny Martinez. Mr. Martinez constantly questioned Plaintiff's legal advice, constantly berated Plaintiff during and after public and private City Council sessions, and constantly threatened to have Plaintiff removed from her position because she stood up to his tirades. Upon procurement of the City Council records from Defendant, Plaintiff shall supplement its answer with more detail as to the dates of the discriminatory acts of Mr. Martinez. Plaintiff initially lodged verbal complaints to her supervisor. The verbal complaints were thereafter documented by written complaints which indicated that Plaintiff felt discriminated and harassed because of her race, African-American, and gender, female. Plaintiff came to this conclusion because Mr. Martinez did not treat any other non-African American Female in the same manner or to the same degree. Subsequent to filing her written complaint, Defendant hired outside counsel and conducted an investigation of the Complaint. No one was disciplined following the investigation. Months after the investigation was concluded, Plaintiff was informed that the City Attorney position with Defendant will be eliminated due to budgetary concerns. The elimination of the City Attorney position was retaliation for Plaintiff's prior complaint of discrimination. Consequently, the decision makers who decided to eliminate the position discriminated against Plaintiff.

INTERROGATORY NO. 13:

Please state any and all facts which corroborated your allegation that the City of Leon Valley discriminated against you based on your gender.

ANSWER: Plaintiff refers Defendant to the answer in Interrogatory No. 12.

INTERROGATORY NO. 14:

Please state any and all facts which corroborated your allegation that the City of Leon Valley discriminated against you based on your race.

ANSWER: Plaintiff refers Defendant to answers to Interrogatory No. 12.

INTERROGATORY NO. 15:

Please state any and all facts which corroborated your allegation that the City of Leon Valley created a hostile work environment for you as City Attorney.

ANSWER: Plaintiff refers Defendant to answers to Interrogatory No. 12.

INTERROGATORY NO. 16:

Please state any and all facts which corroborated your allegation that the City of Leon Valley retaliated against you.

ANSWER: Plaintiff refers Defendant to answers to Interrogatory No. 12.

INTERROGATORY NO. 17:

Please state whether or not the City Council of the City of Leon Valley on November 30, 2019 voted to eliminate your position as City Attorney. Please include in your answer whether or not you were ever given a termination letter or rather that your position was eliminated from the City Budget.

ANSWER: The City Council decision to eliminate the City Attorney position was voted on prior to November 30, 2019. The vote indicated that November 30, 2019 would be Plaintiff's last day of work. No letter of termination was provided.

INTERROGATORY NO. 18:

Since graduating from law school, please state any and all legal positions you have held as a lawyer with a law firm or solo private practice. Please indicate the amount remuneration you made from your legal practice each year from 2013 through 2022.

ANSWER: Including the positions provided to answer Interrogatory No. 3, Plaintiff was in solo private practice between 2019-2022 earning approximately \$20,000.00 annually.

INTERROGATORY NO. 19:

Please state whether or not you are board certified in any legal specialty. If you are currently board certified, please state the area of practice and date you were so certified.

ANSWER: Plaintiff is not board certified in any legal specialty.

INTERROGATORY NO. 20:

Concerning your claim for damages, please indicate the amount in dollars and cents you are requesting for the following:

- (a) Backpay:
- (b) Front pay:
- (c) Actual Damages:
- (d) Attorney's Fees:

ANSWER:

- (a) Backpay: See Plaintiff's answer to Interrogatory No. 8
- (b) Front pay: See Plaintiff's answer to Interrogatory No. 8
- (c) Actual Damages: See Plaintiff's answer to Interrogatory No. 8
- (d) Attorney's Fees: See Plaintiff's answer to Interrogatory No. 8

INTERROGATORY NO. 19 (sic):

Please state the number of jury trials you have participated in as lead counsel either as a plaintiff's counsel or defense counsel during your legal career. Please indicate the jurisdiction of each said jury trial whether it be federal or state and delineate whether district court or county court.

ANSWER: Plaintiff has been a lead prosecutor in over 800 cases in municipal court; lead Plaintiff's counsel in one State Trial Court matter; and lead Defense counsel for 10 State Trial Court matters.

RESPECTFULLY SUBMITTED,
THE WILEY LAW GROUP, PLLC



Kevin S. Wiley, Jr.
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Dallas, Texas 75201
Tel.: 469-619-5721
Fax.: 469-619-5725
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Plaintiff's Answers to Defendant's Interrogatories pursuant to Rule 33 of the Federal Rules of Civil Procedure have been delivered via email on this 22nd day of February, 2022 to the attorneys listed below:

Charles S. Frigerio
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Kevin S. Wiley, Jr.